

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on September 30, 2003, and the references cited therewith.

Claim 1 was amended, no claims are canceled or added; as a result, claims 1-18 are now pending in this application.

§102 Rejection of the Claims

Claims 1-5, 7-15, 17 and 18 were rejected under 35 USC § 102(e) as being anticipated by Gomez et al.(U.S. Publication No. 2002/0160826). Gomez describes “electronically linking” gaming machines. FIG. 2 in the Gomez application is profered to illustrate a “linking arrangement.” FIG. 2 shows a group of gaming machines, Gaming Machine 1, Gaming Machine 2, and Gaming Machine N, each with a CPU for a base game and a CPU for a bonus round. FIG. 2 illustrates each Gaming Machine communicating with its “Bonus Game Unit.” Par. 28 of the Gomez states that all of the Bonus Game Units are on a LAN. The LAN is the only electronic link described.

There is no written description or drawing illustrating the sensor and emittor arrangement that is claimed herein. To the contrary, Gomez describes connecting “Bonus Game Units” which each have their own CPU, separate from the game CPU, on a LAN. Par. 34 of Gomez describes use of a sequential identification number and programming contained in each gaming machine to generate a pre-planned sequence. The mechanism described in Gomez is as follows:

“Each machine on the LAN would begin animating its respective FIG 12a through 12n upon receiving a comand that matches its identification number. Broadcasting the identification number consecutively with a time delay between each identification number would therefore effect a staggered animation sequence running left to right for the group, for example.” There is no emittor or sensor wherein the sensor is positioned proximal to an emitter of the adjacent gaming machine, here. Instead each machine separately operates off its own internal program triggered by a broadcast of identification number from a central CPU.

It is then no accident that the Gomez machine has no emitter or sensor wherein the sensor is positioned proximal to an emitter of the adjacent gaming machine, as is claimed herein. There is certainly no “inherency” of these features as asserted by the Examiner. To the contrary, the

Gomez application describes a device that functions without emitters and sensors, such as those claimed because control is based upon pre-configured programming in each machine and a broadcast from a central CPU to a gaming machine with a preselected identification number. Part of the broadcast includes a time delay that simulates a staggered animation sequence. There is no communication from machine to machine, in the manner that is claimed. Instead, a central CPU triggers a preselected identification number. A program is associated with the identification number that includes time delay and simulates a staggered animation sequence.

Because Gomez does not describe a device with gaming machines having the emitters and sensors claimed, Gomez cannot anticipate claims 1-18.

The Examiner relies upon Par. 6, 7, 8, 9 and 12 in the Summary section of the Gomez application to support the proposition that the “linkage” in Gomez is as claimed. However, these paragraphs merely describe outcome and not the methods and devices required to achieve that outcome. As discussed, the only “linkage” described in Gomez is a LAN between each CPU’s of bonus units. The present invention does not claim this feature. Furthermore, the outcomes described relate to attractions of specific computers. There is no description of outcomes conforming to what is described in the present application.

Par. 12 states, “Each machine preferably has such a signal generator, with the activation signal from one machine then being communicated to the controllers of the other linked machines.” Par. 34 of Gomez describes how that communication occurs and, as discussed, it does not include sensors and emitters claimed.

The Examiner asserts that Par. 14, 7 and 22 teach that “the display may include a plurality of lamps that may sequentially flash.” However, none of the paragraphs describes this feature at all. None of the paragraphs mentions “lamps” or a “plurality of lamps” Therefore these paragraphs do not anticipate claims 5 and 15.

The Examiner’s use of broad statements made in the Summary of the Gomez application to reject claims of the present invention is not supported by the device that is actually described by Gomez. This is evidenced by the fact that Gomez never mentions sensors and emitters, as acknowledged by the Examiner. Because Gomez does not anticipate each and every element claimed, Gomez does not anticipate the claims 1-18.

§103 Rejection of the Claims

Claims 6 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Gomez et al. as applied to claims 1 or 11 above, and further in view of Pease et al. (U.S. Patent No. 5,759,102).

The Examiner has cited the Gomez patent application in view of Pease et al., US No. 5,759,102. However, the Gomez patent application was published October 31, 2002, while the present application was filed, January 9, 2002. Therefore, the Gomez patent application is not properly cited as a 103 reference. The Gomez patent application was not published until after the present invention was filed.

As acknowledged by the Examiner, the Pease et al. patent is not directed to gaming devices and does not stand alone as 103 art.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of December, 2003.

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